67,108-015
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REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the most recent Office Action. Claims 1, 2, 7, 9 and 13 have been amended. New claims 18-19 are added. Claims 1-3, 5, 7, 11 and 13-19 are currently pending in this application. Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 based upon the proposed combination of "Applicant's admission of the prior art" (AAPA) and *Amin*. The proposed combination cannot be made because MPEP 2143.01(VI) dictates that references cannot be combined in a manner that would change the principle of operation of the reference. Here, the Examiner proposes to change the principle of operation of AAPA and, therefore, there is no *prima facie* case of obviousness.

The AAPA is as follows:

> Currently known systems allocate a temporary user identification code (e.g., a unicast access terminal identifier, or UATI) when a user 106 opens a communication session with the base station 102 in the network 100. This identification code is de-allocated when the session closes and is re-allocated to a different user 106. Thus, the base station 102 treats all users 106 in the system 100 interchangeably and is not able to offer different service levels to different users. Thus, it is currently not possible to provide user-based services (e.g., user-based QoS) that can vary from user to user.

According to that, it was not possible to distinguish among users using the temporary user code. Instead, base stations treated all users interchangeably.

The proposed modification suggested by the Examiner changes the principle of operation of the AAPA by making it not treat users interchangeably and doing what it was not able to do by offering different service levels to different users. According to MPEP 2143.01(VI), such a proposed modification cannot be made and does not establish a *prima facie* case of obviousness.

Additionally, even if one could combine the AAPA and *Amin*, there is nothing in either reference that teaches the technique of associating a service class with a temporary terminal identifier so that the result would not be the same as Applicant's claimed invention.

With regard to the paragraphs numbered i, ii and iii on page 3 of the office action, those statements are not grounds of rejection in and of themselves. They are merely indications of how the PTO may analyze or apply the prior art but still require an analysis and indication of how a rejection based on the prior art may be formulated. The Examiner has not indicated how the art would be applied under the framework indicated in those paragraphs. In any event, assuming that the Examiner is applying the AAPA and *Amin* according to the statements in those paragraphs, Applicant has expressly traversed each and every one of those by demonstrating above how the proposed combination cannot even be made. Even if the combination could be made, the result is still not the same as Applicant's claimed invention as mentioned above so that none of those statements are legitimately applied to this case.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 based upon the proposed combination of the *Furuya, et al.* reference and "Applicant's admission of the prior art" (AAPA). This proposed combination cannot be made because it provides no benefit and would change the principle of operation of the *Furuya et al.* reference.

The *Furuya et al.* reference discloses a technique for allowing radio telephones that are registered as part of a private network to communicate through various private branch exchanges (PBX) even when one of the PBXs is not the home PBX of the radio telephone. In all instances, the identification number of the radio telephone (RT-ID) is used regardless of whether the PBX is a home PBX. The PBXs are connected to each other for communications that include the RT-ID for registering the radio telephone according to the teachings of the *Furuya et al.* reference. See, e.g., col. 6, lines 7-9; col. 6, line 67-col 7, lines 1-9; col 7, lines 27-31; col 8, lines 61-63; and col 9, line 37 –col 11, line 11.

The database of Figure 6 does not alter the use of the predetermined RT-IDs and only indicates that every PBX has access to the same information in the database of Figure 6.

Given that the RT-ID of each radio telephone registered for use in the private network of the *Furuya et al.* reference is always used for identifying the radio telephone, there is no usefulness for a temporary identifier as mentioned in AAPA. Every PBX already identifies a radio telephone by the RT-ID and there would be no benefit or usefulness if one were to add another temporary identifier. The addition would unnecessarily complicate the technique of the reference and would be redundant at best.

Additionally, MPEP 2143.01(VI) applies to the proposed modification of the *Furuya et al.* reference because adding a temporary identifier that is allocated and then deallocated as suggested by the Examiner would change the principle of operation of the technique in the *Furuya et al.* reference. For example, if one were to add a temporary identifier, that would not allow the PBXs to efficiently communicate with each other regarding a particular radio telephone. The PBXs would have to be significantly changed to accommodate the new,

unnecessary temporary identifier so that they could perform their intended function of notifying other PBXs as required by the reference. If such a modification were made, that would change the principle of operation, which is to use the predetermined RT-IDs for identifying radio telephones. The proposed modification cannot be made.

Further, even if it were somehow possible to modify the *Furuya et al.* reference as suggested by the Examiner, the result would not be the same as the claimed invention. Assuming one could assign a temporary identifier to the radio telephone, there is nothing in either reference that teaches how the service class information of *Furuya et al.'s* Figure 6 would somehow be associated with that and no indication of any useful purpose for doing so. This is especially true when one considers that AAPA expressly teaches that temporary identifiers were not useable for distinguishing between users for purposes of providing differing levels of service. The only possible explanation for the proposed combination, therefore, is impermissible hindsight reasoning.

With regard to the paragraphs numbered i and ii on page 5 of the office action, those statements are not grounds of rejection in and of themselves. They are merely indications of how the PTO may analyze or apply the prior art but still require an analysis and indication of how a rejection based on the prior art may be formulated. The Examiner has not indicated how the art would be applied under the framework indicated in those paragraphs. In any event, assuming that the Examiner is applying the *Furuya et al.* reference and AAPA according to the statements in those paragraphs, Applicant has expressly traversed each and every one of those by demonstrating above how the proposed combination cannot even be made. Even if the

combination could be made, the result is still not the same as Applicant's claimed invention as mentioned above so that none of those statements are legitimately applied to this case.

There is no *prima facie* case of obviousness.

This application is in condition for allowance.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/616,553, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on December 21, 2007.

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Theresa M. Palmateer

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